

### **REMARKS/ARGUMENTS**

Claims 1-32 stand in the present application, claims 1, 18, 19 and 30 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 24 and 30-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As noted above, Applicants have amended claim 30 in order to correct the antecedent basis problem identified by the Examiner. Accordingly, amended claim 30 and its dependent claims 31 and 32 are believed to overcome the Examiner's § 112, second paragraph, rejection. With respect to dependent claim 24, Applicants respectfully submit that claim 24 is clearly supported in the present specification at Figure 6 and the accompanying description in the specification and, *inter alia*, page 11, lines 19-30. More particularly, the claimed first controller is proxy controller 31 (see Fig. 6) and the claimed second controller is client controller 30 (see Fig. 6). As shown in Fig. 6, the proxy controller 31, i.e., the first controller is local to the monitor station 32. Accordingly, it is respectfully submitted that claim 24 is fully supported by the present application and that the Examiner's § 112, second paragraph, rejection of the claim should be withdrawn.

The Examiner has rejected claims 1-4, 12-17, 19-23, 25, 30 and 31 under 35 U.S.C. § 102(b) as being anticipated by Sit; has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Sit; has rejected claims 6-9 under 35 U.S.C. § 103(a) as being obvious over Sit in view of Wegner; has rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Sit in view of Wegner and further in view of

Shaw; has rejected claims 11, 24 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Sit in view of Crichton; has rejected claims 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Sit in view of Shaw; and has rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Sit in view of Crichton and Johnson. Applicants respectfully traverse the Examiner's §§ 102 and 103 rejections of the claims.

Applicants respectfully submit that the continued rejection of the present claims as anticipated by or obvious over Sit is erroneous for the following reasons. The Sit method uses HTTP requests and responses. As described in Sit at column 4, lines 27 to 37, after initial request (170) is sent, messages sent to the local processor (122) from the remote processor (157), in the form of requests (171, 173, per Figure 2), include information to route messages (requests 171, 173). These messages, which would in the prior art be carried in responses (76, 78, 80 in Figure 1) are thus incorporated in messages which take the form of request-responses in the Sit method (herein "request-response," to distinguish them from the initial request). However, the information is carried in the same direction (to the local processor) as in the prior art, except that in Sit this is performed by tunnelling.

This is distinguished from Applicants' invention which involves establishment of a persistent connection using, e.g., TCP. See present specification at page 7, lines 10 to 11, and Figure 3. Subsequently, messages (such as instructions for or from the proxy controller to the equipment to be controlled) can be sent using the open connection.

Sit does not teach or suggest the creation of a persistently open connection through which messages may be sent; instead, the only way information can be sent to

the local processor is by way of a request-response to a "response." As explained in Sit at column 6, lines 22 to 43, the communication (which is not the same thing as a "connection") can only be continued if the local processor continues sending "responses," allowing the remote processor to respond to each by sending a request-response message (which includes payload information). This approach clearly shows that there is no open connection established allowing for messages to be sent in the way contemplated by Applicants' invention which, as stated in the present specification at page 3, lines 17 to 20, allows for messages to be sent immediately without having to (repeatedly) request connections.

Applicants respectfully submit that this distinction is sufficiently clear in the claims, in that the term "connection" clearly denotes a feature missing from the Sit disclosure. Nonetheless, the claims have been further amended to make even clearer this patentable distinction. In particular, the aspect of sending more than one message during the time when the connection is kept open now more clearly recited in the present claims is completely missing from Sit. Accordingly, the present claims as amended now more clearly patentably define over Sit.

Finally, Applicants disagree that the skilled person would have been led to combine the teachings of Sit with Crichton, as the purpose of using TCP/IP in Applicants' invention is to establish and maintain the connection between the devices (and not, as the Examiner suggests, to comply with compatible communication standards). The skilled person, having obtained communication between the devices by use of tunnelling (which is the technique of choice in both Sit and Crichton) would have no reason to use TCP/IP to establish yet another connection path between the


devices. In any event, Crichton and the other secondary references do not solve the deficiencies noted above with respect to Sit, and thus do not teach or suggest the present amended claims individually or in any combination with Sit.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-32, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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